

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15931 OF 1999

DATED:11.8.2005

Between:

M. Rajaveeru, S/o.Mallaiah

R/o.Regonda Village, Husnabad Mandal

Karimnagar District

...Petitioner

And

The Divisional Forest Officer

Mahadevpur KNT/East

Karimnagar District and another

...Respondents

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ORDER:

The petitioner is allegedly owner of jeep bearing No.APM 978. He obtained necessary permissions and was running the jeep on hire. On 17.8.1998 when the jeep was carrying on passengers from Godhavarikhani to Bhupalpally for hire, the respondents seized the vehicle on allegation that it was transporting forest produce illegally. Assailing the seizure, present Writ Petition is filed seeking a direction to respondents to release the jeep.

In **State of Karnataka v. K. Krishnan** the Supreme Court laid down as under.

Liberal approach in the matter with respect to the property seized, which is liable to confiscation, is uncalled for as the same is likely to frustrate the provisions of the Act. Before passing an order for releasing the forest produce or the property used in the commission of the forest offence, the Authorised Officer or the Appellate Authority has to specify the reasons which justify such release, apparently, prima facie excluding the possibility of such forest produce or the property being confiscated ultimately. Generally, therefore, any forest produce and the tools, boats, vehicles, cattles, etc., used in the commission of the forest offence, which are liable to forfeiture, should not be released. This, however, does not debar the officers and the authorities under the Act including the Appellate Authority to pass appropriate orders under the circumstances of each case but only after assigning valid reasons. The liberal approach in the matter would perpetuate the commission of more offences with respect to the forest and its produce which, if not protected, is surely to affect the mother-earth and the atmosphere surrounding it. The Courts cannot shut their eyes and ignore their obligations indicated in the Act enacted for the purposes of protecting and safeguarding both the forests and their produce. The forests are not only the natural wealth of the country but also protector of human life by providing a clean and unpolluted atmosphere. We are of the considered view that when any vehicle is seized on the allegation that it was used for committing a forest offence, the same shall not normally be returned to a party till the culmination of all the proceedings in respect of such offence, including confiscatory proceedings, if any. Nonetheless, if for any exceptional reasons a Court is inclined to release the vehicle during such pendency, furnishing a bank guarantee should be the minimum condition. No party shall be under the impression that release of vehicle would be possible on easier terms, when such vehicle is alleged to have been involved in commission of a forest offence. Any such easy release would tempt the forest offenders to repeat commission of such offences. Its casualty will be the forests as the same cannot be replenished for years to come.

The above principles were again followed in **State of West Bengal v. Sujit Kumar Rana**.

Following the above judgments, this Writ Petition is dismissed. No costs.

(V.V.S.RAO, J)

11.8.2005

bnr